

EXPRESS MAIL NO.: EL615210801US

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CPA \$  
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PTO/SB/29 (10-00)

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable  
DUPLICATE

Address to:	Attorney Docket No. of Prior Application	00801.0137.US07
Commissioner for Patents Box CPA Washington, D.C. 20231	First Named Inventor	Monto H. Kumagai
	Examiner Name	Leffers Jr. S. Jr.
	Group Art Unit	1636
	Express Mail Label No.	EL615210801US

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA) of prior application number 09 / 359,300,

filed on July 21, 1999, entitled Method of Compiling a Functional Gene Profile by Transfecting a Nucleic Acid Sequence of a Non-Plant Donor Into a Host Plant in a Positive Sense Orientation

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### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865(Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 27 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization PTO-2038.

- Enter the unentered amendment previously filed on February 28, 2002.  
under 37 CFR 1.116 in the prior nonprovisional application.
- A Preliminary Amendment including a Response to Office Action is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....  
.....  
b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

- A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

- Information Disclosure Statement (IDS) is enclosed:

- PTO-1449
- Copies of IDS Citations

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Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U S Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FIELD	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	12-20 =	0	x \$0.00 =	\$0.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) OR (i))	1-3 =	0	x \$0.00 =	0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$0.00 =	0.00
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations	= 740.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
<input type="checkbox"/> * Reissue claims in excess of 20 and over original patent. <input type="checkbox"/> ** Reissue independent claims over original patent.					
TOTAL = 740.00					
6. <input type="checkbox"/> Small entity status: Applicant claims small entity status. See 37 CFR 1.27. 7. The Commissioner is hereby authorized to credit overpayments or charge any fee deficiency to Deposit Account No. 08 - 3038: a. <input type="checkbox"/> Fees required under 37 CFR. 1.16. b. <input type="checkbox"/> Fees required under 37 CFR 1.17. c. <input type="checkbox"/> Fees required under 37 CFR 1.18. 8. <input checked="" type="checkbox"/> A check in the amount of \$740.00.00 is enclosed. 9. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. 10. <input type="checkbox"/> Applicant requests suspension of action under 37 CFR 1.103(b) for a period of months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed. 11. <input type="checkbox"/> New Attorney Docket Number, if desired <small>[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]</small> 12. <input type="checkbox"/> a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A) <input checked="" type="checkbox"/> b. Return Receipt Postcard (Should be specifically itemized, See MPEP 503) 13. <input type="checkbox"/> Other: .....					

**NOTE:** The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.

## 14. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number of Bar Code Label		<i>27194</i>		or	<input type="checkbox"/> New correspondence address below
<small>(Insert Customer No. or Attach bar code label here)</small>					
Name	Albert P. Halluin				
Howrey Simon Arnold & White, LLP					
Address	301 Ravenswood Avenue Box 34				
City	Menlo Park	State	CA	Zip Code	95025
Country	USA	Telephone	650-463-8109	Fax	650-463-8400

## 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Albert P. Halluin, Viola T. Kung
Signature)	<i>Albert P. Halluin</i>
Registration No. (Attorney/Agent)	25,227, 41,131
Date	April 9, 2002

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